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Paper No. 5

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**COPY MAILED**

**MAR 10 2004**

**OFFICE OF PETITIONS**

In re Application of  
Robert H. Rines et al.  
Application No. 09/827,102  
Filed: April 5, 2001  
Attorney Docket No. n/a

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

As to item (1), The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed May 11, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 12, 2001.

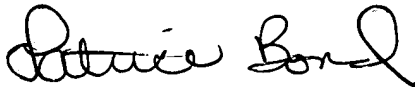
Further correspondence with respect to this matter should be addressed as follows:

By mail:                Mail Stop Petitions  
                              Box DAC  
                              Washington, D.C. 20231

By facsimile:        (703) 872-9306  
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By hand:               Customer Service Window  
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                              Crystal Plaza 2, Room 1B03  
                              Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

A handwritten signature in black ink, appearing to read "Latrice Bond". The signature is fluid and cursive, with the first name "Latrice" written in a larger, more prominent script than the last name "Bond".

Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Copy of Notice mailed May 11, 2001.